

Achieving equity in Legal Education

Leani van Niekerk

University of the Free State, South Africa

Abstract

This paper will investigate how equity is achieved or if it remains elusive in an extended LLB (Law) Programme at the University of the Free State, South Africa. Due to the magnitude and starkness of the disparities in the South African HE system pre-1994, changes are required to ensure equity in the South African higher education sphere and more specifically an extended LLB programme. This paper will investigate what equity means from a South African perspective. Equity in the context of higher education can be defined in two ways: 1) equity in education and 2) educational equity. Equity in education means the equal treatment of all persons of all races in higher education, whereas educational equity can be defined as equal educational opportunity for students of all races or educational adequacy. In addressing equity in an extended law programme, removing formal barriers is insufficient to ensure fairness, justice and redress. By removing the external exclusion, internal exclusion might still exist. In other words, equity of success or outcome is as important as equity of access and redress. Equity considers the effects of discrimination and aims for an equal outcome. Equity also manifests in various ways in higher education, including an individual's ability to attend university. Barriers to university access should be minimised, selection for university should be on merit and without discrimination, and individuals should have a fair opportunity to develop their skills. Removing barriers to access will not necessarily improve equity, but improving equity and the removal of barriers need long-term commitments and improvements within all educational spheres.

Keywords: access, extended programmes, redress